

No. 10374-ASOIII-Lab-68/29001. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and the management of Haryana State Electricity Board, Chandigarh: -

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 6 of 1968

Between

THE WORKMEN AND THE MANAGEMENT OF HARYANA STATE ELECTRICITY BOARD, CHANDIGARH

Present:—Shri D.C. Chadha for the management.

Shri R.C. Sharma for the workmen.

#### AWARD

An industrial dispute having come into existence between the workmen and the management of Haryana State Electricity Board, Chandigarh, over the following matters, the same was referred for adjudication to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, vide Haryana Government Notification No. 10, F.B.D. 294-B 67 954, dated 11th January, 1968: -

1. Whether the termination of service of Shri Ram Rikha Hammer man is justified and in order? If not to what relief is he entitled?
2. Whether the reduction in the status of the following workmen in March, 1966 is justified? If so, with what details?

- (1) Shri Ram Lal.
- (2) Shri Jai Parkash
- (3) Shri Manohar Lal
- (4) Shri Shiv Nath.
- (5) Shri Tilak Raj.
- (6) Shri Devi Dass.
- (7) Shri Bhim Singh.
- (8) Shri Aya Ram.
- (9) Sh. Sant Ram.
- (10) Shri Siri Ram.

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise to five issues which are as under and which were framed by me on 19th March, 1968:—

1. Whether the termination of service of Shri Ram Rikha Hammerman is justified and in order? If not to what relief is he entitled?
2. Whether the reduction in the status of the following workmen in March, 1966 is justified? If so, with what details?

- (1) Shri Ram Lal.
- (2) Shri Jai Parkash.
- (3) Shri Manohar Lal.
- (4) Shri Shiv Nath.
- (5) Shri Tilak Raj.
- (6) Shri Devi Dass.
- (7) Shri Bhim Singh.
- (8) Shri Aya Ram.
- (9) Shri Sant Ram.
- (10) Shri Siri Ram.

3. If issues No. 1 and 2 or any of them are decided in favour of the workmen, is not the Haryana State Electricity Board liable to give necessary relief to the workmen concerned and why?
4. To what relief if any, are the workmen mentioned in item No. 2 of the dispute entitled and what is the effect of the matter relating to them having not been mentioned in the item of reference?
5. Is the claim covered by item No. 1 of the reference stale and belated and if so what is its effect on the present case?

Parties were given opportunity to lead their evidence in respect of the said issues and after both the parties had concluded their evidence their representatives addressed their arguments to me.

It is admitted by both the parties that all the persons whose names are mentioned in item No. 1 and 2 of the reference were at one time the employees of the Faridabad Development Board Electric Supply Undertaking and on the said Undertaking having been taken over by the Punjab State Electricity Board w.e.f. 20th June, 1954 they were offered fresh appointments by the latter Board. The said offers were made to all of them by means of

exactly similar worded letters one of which is Ex. A. The Punjab State Electricity Board decided to close down the power house at Faridabad at one stage but later they re-started the power house but kept it only as a stand by. The persons mentioned in item No. 2 of the reference remained in service on the same terms and conditions and in the same scale of wages on which they had been appointed. For some reasons, one of which was that the Haryana State Electricity Board did not need so many persons in the power house, the duties of these persons were changed. A demand notice was served on the management by a trade union called as the Power House Workers Union, Faridabad and the demands having not been conceded and the conciliation proceedings having presumably failed the said notice gave rise to the present industrial dispute. One Ram Rikha remained absent from duty for some time and his name was struck off. In the said demand notice a demand was made with regard to his re-instatement also and his case has also been referred by the Government. Having given the history of the reference in brief I shall now deal with the issues serially:—

**Issue No. 1.**—The case of the workmen is that Shri Ram Rikha went on leave for three days with effect from 12th March, 1964 and during the said leave period he fell ill and remained under the treatment of the doctor, incharge of the Employees State Insurance Scheme. It is alleged by the workmen that he kept on sending medical certificates right up to 30th April, 1964 and reported for duty on 1st May, 1964 along with his fitness certificate. The case of the management on the other hand is that Ram Rikha had obtained three days leave which he later got extended up to 31st March, 1964. After the latter date he neither applied for leave nor sent any certificate and when he came on 1st May, 1964 to join the duty he was told that he must first get his absence regularised by making a proper application to the Resident Engineer and this he never did. Ram Rikha has appeared as a witness as A.W. 1 and has made a statement supporting his pleas. The management have produced Shri K. L. Dham incharge of the Electricity Operation Sub-Division No. 3 who has supported the pleas raised by the management. After giving my careful consideration to the evidence I do not find any reason to disbelieve Shri K. L. Dham. It appears from the evidence of this witness that Ram Rikha was not lying ill during the period of his absence but was engaged in the business of selling milk. Ram Rikha has admitted that he used to sell milk but he has stated that the said sale was made only to the officers of the Electricity Board and really the said officers got annoyed with him when he gave a bill to two of them for a rate higher than the previous rate. I do not see any reason to prefer this evidence of Ram Rikha over that of Shri K. L. Dham whose evidence is also corroborated by evidence of Ram Narain. The evidence read as a whole leaves no doubt in my mind that Ram Rikha remained absent without leave for the entire month of April, 1964 and his name was correctly struck off. This issue is decided in favour of the management.

**Issue No. 2.**—The evidence of R.W. 1 and R.W. 2 makes it clear that none of the workmen mentioned in item No. 2 of the reference has been reduced in rank in any way. All of them are getting wages in the same scale in which they had been placed on their fresh appointments in the Electricity Board. It may be that their duties have been changed to some extent but that by itself does not mean their reduction in rank or change in the conditions of their service. R.W. 2 Shri R. R. Vaid, Resident Engineer has made a clear statement on this point and has stated as under :—

“By the transfer, the workmen concerned whose names are mentioned in item No. 2 of the reference have not been reduced in rank in any way because there is no change in their scale. They are drawing the same salary and have the same status. There will be no effect on their promotion also.....”

After the close of the old power house no similar posts were available in the new power house. Some of the ten persons in question were provided jobs in the new power house and some others in the field. But none of them was actually reduced in rank.”

R.W. 1 Shri P. N. Nagia, Head Clerk has stated :—

“Their transfers became necessary because the power house at Faridabad closed and we had no other place to accommodate these persons. There was no difference in the emoluments of these persons.....”

Four out of the persons mentioned in item No. 2 of the reference have appeared as their own witnesses and have merely stated that their duties have now changed and their transfer has affected their status. They have not explained in what way their status has been affected. The Resident Engineer who has appeared as R.W. 2 has firmly stated that neither the wages of these persons have been affected nor their status has been affected. He has further stated that even chances of their promotion have not been affected. I am definitely of the view that no change in the conditions of service has occurred in respect of any of the persons mentioned in item No. 2 of the reference. This issue is decided against the workmen.

Issues No. 1 and 2 having been decided against the workmen and in favour of the management the demands covered by items No. 1 and 2 of the reference are dismissed. In view of my decision on issues No. 1 and 2 it is wholly unnecessary to go into technical points covered by issues No. 3, 4 and 5.

No order as to costs.

Dated 11th November, 1968.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.

No. 1224, dated Chandigarh, the 12th November, 1968.

The award (in quadruplicate) be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Chandigarh.